

Attorney Docket No. 000004

**REMARKS**

Claims 1 – 35 are presented for examination. In the Office Action mailed on August 12, 2004, the Examiner rejected Claims 1 – 8, 10 – 14, and 16 – 28 under 35 U.S.C. §102(b) as being anticipated by Foladare et al. (U.S. Patent No. 5,978,671); Claims 9 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Foladare et al. in view of Brady (U.S. Patent No. 5,982,857); and Claims 29 – 35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Foladare et al. in view of Chan et al. (U.S. Patent No. 5,912,949).

Claims 1 – 8, 10 – 14, and 16 – 18

The Examiner states that Foladare teaches all features of the instant claims. The Applicant respectfully submits that Foladare teaches a bridging and signaling unit having an associated database. A calling party places a call to a subscriber's personal telephone number, which is then routed to the bridging and signaling unit. The unit holds the call while a page is sent to the subscriber, whereupon the subscriber calls the bridging and signaling unit. The unit then bridges the calling party's call with the subscriber's call.

The instant claims are directed to a method and apparatus that are local to a single cellular telephone, not a bridging and signaling unit. The claims have been amended to include this inventive aspect. Moreover, the claims have been amended to include an automatic quality check for the **recording** of the voice tags that are input into the cellular telephone. This is a feature that is taught by Claim 11.

In regards to Claim 11, the Examiner stated that "Foladare teaches matching (i.e., comparing) the voice tag to a quality parameter (col. 7, lines 5 – 10, 33 – 38)" and that the quality parameter is inherent here. The Applicants respectfully disagree. Foladare states:

"The process attempts to match caller's audible identifiers with audible identifiers previously entered in the database to identify possible repeat callers. The subscriber is given the opportunity to listen to those

Attorney Docket No. 000004

caller audible identifiers that are determined to originate from possible repeat callers as well as the corresponding stored audible identifier, and determine if they are from the same caller.”

Foladare, col. 7, lines 35 – 42.

Hence, Foladare teaches a system wherein the subscriber must actively listen to the different identifiers and make a decision. In contrast, the instant claims teach an automatic quality decision process, wherein the cellular telephone performs the quality analysis on the recording, not the user. This is a feature that is not taught nor suggested by Foladare. Moreover, note that Foladare teaches an interactive subscriber check, not for the reason of analyzing the quality of the recording, but to determine if other identifiers exist for the same calling party.

Claims 6 – 8, 10, 16, 17, and 23 – 26 have been cancelled as being redundant in light of the amended claims.

#### Claims 9 and 15

Claims 9 and 15 depend upon claims which have features that are not taught nor suggested by Foladare. Hence, the Applicants respectfully submit that the combination of Foladare and Brady do not render the instant claims unpatentable.

#### Claims 29 – 35

Claims 29 - 35 have features that are not taught nor suggested by Foladare, nor by Chan. The instant claims are directed to a recording quality of a voice tag. Both Foladare and Chan teach user interactivity with the telephone. Foladare teaches a system wherein caller identifiers may be checked by the user against already existing caller identifiers for the same calling party. Chan teaches a system wherein the user is prompted to determine whether a match made by the system is correct. In contrast, the instant claims are for a method that is performed automatically by a device to re-record a voice tag when the recording quality is not satisfactory. Hence, the Applicants respectfully submit

Attorney Docket No. 000004

that the combination of Foladare and Chan do not render the instant claims unpatentable.

### Conclusion

In light of the arguments and amendments presented herein, the Applicants respectfully submit that all pending claims are in condition for allowance. Accordingly, reconsideration and allowance of this Application is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: February 10, 2005

By: 

Kyong H. Macek  
Reg. No. 42,977  
Attorney for Applicants

QUALCOMM Incorporated  
Attn: Patent Department  
5775 Morehouse Drive  
San Diego, California 92121  
Telephone: (858) 651-5797  
Facsimile: (858) 658-2502